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2007 MAY -8 P 4:37

AZ CORP COMMISSION
DOCUMENT CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

9 RAYMOND R. PUGEL AND JULIE B.
10 PUGEL AS TRUSTEES OF THE RAYMOND
11 R. PUGEL AND JULIE B. PUGEL FAMILY
12 TRUST, and ROBERT RANDALL AND
13 SALLY RANDALL

14 Complainant,

15 v.

16 PINE WATER COMPANY,

17 Respondent.

DOCKET NO: W-03512A-06-0407

Arizona Corporation Commission
DOCKETED

MAY -8 2007

DOCKETED BY

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18 ASSET TRUST MANAGEMENT, CORP.,

19 Complainant,

20 v.

21 PINE WATER COMPANY,

22 Respondent.

DOCKET NO: W-03512A-06-0613

23 JAMES HILL and SIOUX HILL, husband and
24 wife as trustees of THE HILL FAMILY
25 TRUST,

26 Complainant,

v.

PINE WATER COMPANY,

Respondent.

DOCKET NO: W-03512A-07-0100
(Consolidated)

**PINE WATER COMPANY'S
RESPONSE IN OPPOSITION TO
MOTION TO CONSOLIDATE**

Pine Water Company ("PWCo") hereby responds to the Motion to Consolidate

1 ("Motion") filed by Brent Weekes ("Weekes" or "Complainant") on May 3, 2007 and
2 provided it on May 4, 2007. PWCo opposes the Motion because it is untimely.

3 Weekes filed his complaint on January 12, 2007, nearly four months ago, and
4 Complainant has had plenty of opportunity to file a motion to consolidate before now. In
5 fact, Weekes had taken no action to prosecute his claims before the motion to consolidate
6 was filed. While there are common questions of law, and while it is likely that the
7 determination in the consolidated Pugel/Randall/ATM/Hill dockets could be used to
8 decide the Weekes' complaint, the Weekes case appears to be based on its own unique set
9 of facts regarding Mr. Weekes' property and development plans, plans that PWCo has not
10 been provided, as well as unique facts regarding PWCo's efforts to work with Weekes to
11 extend service and the nature of the water supplies that Mr. Weekes could provide
12 pursuant to the Commission's main extension rules. PWCo cannot conduct discovery at
13 this late stage regarding the facts giving rise to Weekes' claims, nor should it be put in a
14 position of having to prepare for an additional witness and the presentation of new
15 evidence to support yet another claim.

16 In this light, it would be inappropriate and prejudicial to PWCo to consolidate this
17 matter into a docket that is scheduled for trial in less than two weeks. As a consequence,
18 Weekes' motion should be denied.

19 RESPECTFULLY SUBMITTED this 8th day of May, 2007.

20 FENNEMORE CRAIG, P.C.

21
22 By 

Jay L. Shapiro

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Attorneys for Pine Water Company

1 ORIGINAL and seventeen (17) copies of the
2 foregoing filed this 8th day of May, 2007:

3 Docket Control
4 Arizona Corporation Commission
5 1200 W. Washington St.
6 Phoenix, AZ 85007

7 Copy of the foregoing hand delivered
8 this 8th day of May, 2007 to:

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